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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,300	09/21/2000	Raymond Freymann	951/48943	8406

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Crowell & Moring LLP  
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EXAMINER

MICHALSKI, JUSTIN I

ART UNIT PAPER NUMBER

2644

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/666,300

**Applicant(s)**

FREYMAN ET AL.

**Examiner**

Justin Michalski

**Art Unit**

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/24/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see remarks, filed 17 September 2004, with respect to Claims 1 and 8 have been fully considered and are persuasive. The rejection of claim 1 has been withdrawn.
2. Applicant's arguments filed 17 September 2004 regarding claim 9 have been fully considered but they are not persuasive as the rejection of claim 9 contain a different interpretation of the prior art as argued regarding claims 1 and 8.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller.

Regarding Claim 1, Miller claims a device (Fig. 1) for electroacoustic sound generation in a motor vehicle, said device comprising: a sound pressure sensor (vacuum 23, exhaust 24, Miller discloses each detector is designed to produce an output indicative of the operating state of the vehicle component to which it is connected, i.e. sound pressure sensor) (Column 3, lines 25-28) positioned proximal to

Art Unit: 2644

or within one of an intake tract and an exhaust tract of the motor vehicle (vacuum 23 connected to a vacuum line, exhaust 24 connected to exhaust system) (Column 3, lines 37-40); a signal processing unit (references 11,12, 32, 37, 38, 42, and 43) connected to and receives an output of said sound pressure sensor (references 26 and 27); a loudspeaker unit (speaker 53) having at least one loud speaker wherein said loudspeaker unit is connected to said signal processing unit (leads 49 and 51), a synthesizer (references 37 and 38) connected with or integral with said signal processing unit said synthesizer outputting a synthetic sound components signal to a device (device 32) for adding said synthesizer output signal to said output of said sound pressure sensor (signal 28 added at synthesizer 32, Miller discloses signal 28 is a function of pressure sensors 23 and 24) (Column 3, lines 56-58).

Regarding Claim 8, Miller claims a device (Fig. 1) for electroacoustic sound generation in a motor vehicle, said device comprising: a sound pressure sensor (vacuum 23, exhaust 24, Miller discloses each detector is designed to produce an output indicative of the operating state of the vehicle component to which it is connected, i.e. sound pressure sensor) (Column 3, lines 25-28) positioned proximal to or within one of an intake tract and an exhaust tract of the motor vehicle (vacuum 23 connected to a vacuum line, exhaust 24 connected to exhaust system) (Column 3, lines 37-40); a signal processing unit (references 11,12, 32, 37, 38, 42, and 43) connected to and receives an output of said sound pressure sensor (references 26 and 27); a loudspeaker unit (speaker 53) having at least one loud speaker wherein said loudspeaker unit is connected to said signal processing unit (leads 49 and 51); a

synthesizer (37 and 38) connected with or integral with said signal processing unit whereby synthetic sound components (signals 34 and 36) are added to said signal generated from said sound pressure sensor (signal 28 at reference 32. Miller further discloses said signal processing unit includes a means (32) for mixing the sound from said sound pressure sensor and from said synthesizer as a function of operational parameters of said motor vehicle (signal 28 is a function of pressure sensors 23 and 24) and combines them to produce an outputs 39 and 41 which is a function of the operational parameters of the input signals.

Regarding Claim 9, Miller claims an electroacoustic sound generator for a motor vehicle (Fig. 1) comprising: a sound pressure sensor (vacuum 23, exhaust 24, Miller discloses each detector is designed to produce an output indicative of the operating state of the vehicle component to which it is connected, i.e. sound pressure sensor) (Column 3, lines 25-28) positioned in the vicinity of or within the intake tract or the exhaust tract of the motor vehicle (vacuum 23 connected to a vacuum line, exhaust 24 connected to exhaust system)(Column 3, lines 37-40); a signal processing unit (references 11,12, 32, 37, 38, 42, and 43) having a first input for receiving an output of said sound pressure sensor (references 26 and 27) and a second input for receiving a rotational speed signal (reference 17) from said motor vehicle, said signal processing unit comprising a synthesizer (37 and 38) for outputting synthetic sound components signals (24 and 36) and said signal processing unit further including a device (32) for adding said output sound components signals (34 and 36) to output signals generated from said sound pressure sensor (signal 28 is a function of pressure sensors 23 and 24)

(Column 3, lines 56-58); and a loudspeaker system (references 48, 51, and 53) connected with an output (reference 46) of said signal processing unit.

***Allowable Subject Matter***

5. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (703)305-5598. The examiner can normally be reached on 8 Hours, 5 day/week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703)305-4040. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JIM



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**